**FMLA Fact Sheet for Employees:**

The following is a guide to assist you with understanding your rights and responsibilities under the Family and Medical Leave Act, (FMLA).

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons.

FMLA is not a benefit. It is a law. Therefore the eligible employee cannot “choose” whether to use FMLA or not. If you are eligible and have a qualifying event, we are required to apply FMLA. The date of the qualifying event is used as the implementation of the FMLA entitlement.

**Eligible Employees:**

An eligible **employee** is one who:

• Has worked for the District for at least *12 months*;

• Has at least *1,250 hours* ”physically” worked for the District during the last 12 month period.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer’s intention to rehire the employee after the break in service. *See* "FMLA Special Rules for Returning Reservists".

***IMPORTANT: Eligibility will be determined by the HR Director or Business Manager or Superintendent only. This is not the role of the supervisor or the employee.***

**Leave Entitlement:**

Eligible employees may take up to **12 workweeks** of leave in a 12-month period for one or more of the following reasons:

• The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;

• To care for a spouse, son, daughter, or parent who has a serious health condition;

• For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or

• For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. *See* Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken: 1) for the birth

of a child or to care for the child after birth; 2) for placement of a child for adoption or foster care, or to care for the

child after placement; or 3) to care for a parent with a serious health conditions.

**How Accrued Leave is applied to FMLA:**

FMLA Leave is unpaid. However you have the choice to substitute part or all of your accrued leave during your 12 weeks of leave. For example: Bobby has 3 weeks of accrued leave. Bobby is able to apply all or part of those three weeks towards his FLMA. Let’s say he chooses to use all of his three weeks. So, 3 of those 12 weeks will be paid. The remaining 9 weeks will be unpaid.

**How Leave May be Taken:**

Under the FMLA, leave may be taken in solid blocks of time and/or intermittently, or in the form of a reduced leave schedule under certain circumstances based on the type of leave and the specific situation. If intermittent or reduced schedule leave is being requested the HR Director will review the request and determine if it is acceptable request. Please note: special rules apply to “instructional employees”.

**How the 12-month period for Eligibility is calculated:**

The District uses **a “rolling” 12-month period measured backward** – 12-month period measured backward from the date an employee uses any FMLA leave. Under the ‘‘rolling’’ 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

• *Example 1*: Michael requests three weeks of FMLA leave to begin on July 31st. The employer looks back 12 months (from July 31st back to the previous August 1st) to see if any FMLA leave had been used. Michael had not taken any previous FMLA leave, so he is entitled to the three weeks he requested and has nine more weeks available.



The second is an academic look back method. We would look back to the prior academic year to see if the employee meets the requirement.

**How to Request consideration for FLMA:**

You will need to fully complete an FMLA Request Form including all required signatures and submit your form to the Human Resource Department. Employees must provide thirty (30) days advance notice when the leave is “foreseeable”. If that is not possible, the employee must give notice as soon as practicable. Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying the District may result in the delay or denial of leave.